

1900-047 Chancery Cause: James M. Stewart & vs. Timothy Stewart &  
Lee Co.

Ely, Waddle, Hobbs

1 Plat

CA Estate Dispute  
T-Property

-Seed



To the Honorable W.T. Miller, Judge of the Circuit Court for Lee County, Virginia:

Humbly complaining, your orator and oratrices, James M. Stewart, Susan Ely, formerly Susan Stewart, Sarah Ely, formerly Sarah Stewart, and Frances Stewart, would respectfully show to your honor, that their father, James H. Stewart, lately departed this life, intestate, seized and possessed of a valuable real estate, situate in Lee County, along the line of the Louisville and Nashville Railroad, adjoining the lands of William Stewart, V.R. Astrop and others; that the said James ~~H.~~ Stewart left surviving him the following children and grandchildren, his heirs at law: to wit, your orator, James M. Stewart, your oratrices, Susan Ely, Sarah Ely and Frances Stewart, and Timothy Stewart, and William M. Stewart, who are sons and daughters of the said James H. Stewart, <sup>✓</sup> Mary Wadle, formerly Mary Stewart, and ~~John~~ Stewart, who are children and heirs at law of John Stewart, deceased, who was a son of the said James ~~H.~~ Stewart.

Your orator and oratrices will now show your honor that the said James H. Stewart in his life-time made advancements to William M. Stewart, John Stewart, and Timothy Stewart. Said advancements were made by the division of a tract of land among said three sons, and a conveyance to each one of his respective share thereof: To the said William M., one parcel valued at two hundred ~~and fifty~~ dollars, which fully appears by reference to a copy of said deed herewith filed marked "A". To Timothy Stewart, another parcel of said tract, valued at two hundred ~~and fifty~~ dollars, as appears from a copy of said deed herewith filed marked "B". To John Stewart, another parcel of said tract, valued at two hundred dollars as appears from a copy of said deed herewith filed marked "C".

Your orator and oratrices always understood that said tract of land was divided <sup>q</sup>equally among the said William M., Timothy, and John, and that the share of each was valued at two hundred and fifty- dollars, they therefore aver that the heirs of the



said John Stewart should be charged with said land as an advancement at the sum of two hundred and fifty dollars, instead of two hundred dollars.

Your orator and oratrices will now show your honor that the said Mary Waddle and Joseph Stewart, children and heirs of John Stewart are both infants under the age of twenty-one years; they will further show your honor that the personal estate of the said James H. Stewart is small and insignificant and not more than sufficient to pay the debts owed by him at the time of his death, and that the advancements made by said decedent in his lifetime to the said William M., Timothy and John will have to be equalized out of the real estate owned by the said decedent at the time of his death. Said real estate is in three or four tracts, deeds to which are here filed as part hereof marked respectively "D", "E", "F", . Out of these lands said decedent, a few years before his death, conveyed a strip of land containing some six or seven acres to the Louisville and Nashville Railroad Company for Right of Way.

Your orator and oratrices are advised that they are entitled to have said lands, owned by their father at the time of his death, partitioned; to have said advancements brought into hotchpot, and all of said heirs equalized, and this is the object of this bill, and being without adequate remedy at law, they pray your honor's court of chancery to take cognizance of their cause and grant to them proper and adequate relief. To this end they pray that Timothy Stewart, William M. Stewart, Mary Waddle and Joseph Stewart be made the parties defendant to this bill; that the said Timothy and William M., be required to answer the same on oath. that a guardian ad litem be appointed to answer for the said Mary Waddle and Joseph Stewart, who are infants, that commissioners be appointed to ascertain the value of the lands owned by the said decedent at the time of his death; that each of said children be equalized, and said lands partitioned accordingly, and for such



other relief either special or general as their cause may merit, or that it is meet for a court of equity to grant.

May Spa. issue, directed &c.

Duncan V. Hyatt, p.d.



James M. Stewart et al.

vs. Bill in Chy.

Timothy Stewart et al.

Duncan & Hyatt, p. g.



To the Honorable W.T. Miller, Judge of the Circuit Court  
for Lee County, Virginia:

The answer of Joseph Stewart to a petition filed in the  
chancery cause of James M. Stewart et als against Timothy Stewart  
et als, now pending in your honor's court by William M.  
Stewart, Guardian &c.

Respondent says his uncle William M. Stewart is his guar-  
dian; that he a son of John Stewart, who is now deceased.  
That it is true that there was laid off to this respondent  
and his sister, Mary C. Waddle, in the partition of the lands  
of his grandfather, James H. Stewart, a small parcel or bounda-  
ry of land containing, as he understands, about 18 acres.  
Said strip of land is very narrow and long and scarce of tim-  
ber, and lies between the lands of James M. Stewart on the one  
side and Timothy Stewart on the other. Respondent will here  
show your Honor that, he and his sister own another tract of  
land containing about ~~200.00~~<sup>65.72</sup> acres, situated in the Crab Orchard  
some 7 miles from where this land is situated.

Respondent has no personal property, except one bed and  
bedding belonging to ~~he~~<sup>two</sup> calves worth about \$15.00. ~~There~~  
There is in the hands of his said Guardian about \$151.<sup>00</sup> which  
came from the estate of respondent's father, and as respondent  
is informed there will be due him from the estate of his grand  
father, Charles Barker, deceased, \$150.00 which is directed to ~~be~~  
be paid over to him, as he is informed, when he arrives at the  
age of 21 years. This is all the estate of which respondent  
knows anything to which he is in any way entitled, except that  
there may be a small amount to which he will be entitled out  
of the ~~xxxxxx~~ personal estate of his grandfather, James H.  
Stewart, deceased.

Respondent will now show your honor that he is an infant  
under the age of 21 years; that according to the record of his  
birth he will be sixteen years old on the 14th day of August  
next.

Respondent is of opinion that his interest will be mate-  
rially enhanced by a sale of the land thus laid off to him. He



knows of no way by which he can make said land yield the same amount of profits as seventy five dollars will yield at compound interest. He therefore asks your honor to confirm the sale made by his guardian, William M. Stewart, who he believes is not only fully competent to attend to his business, but knows better than respondent himself what will best promote said interest.

And now having answered respondent entrusts his interest to the hands of the Court feeling confident that they will be fully protected.

J. T. Stewart

---

Virginia, Lee County, to wit:

I, A.B. Munsey, Clerk of the Circuit Court for Lee County Virginia, do certify that Joseph Stewart, this day personally appeared before me and made oath that the foregoing answer, so far as made upon his own information is true, and so far as made upon the information of others, he believes it to be true

Given under my hand this 18th day of February 1895.

A. B. Munsey, Clerk



Joseph Stewart.  
advs. ~~Wm~~ Cusden  
Wm M. Stewart  
To petition



James M. Stewart, et al.,

vs. ( In Chancery.

Timothy Stewart, et al.

The answer of Mary Waddle and Joseph Stewart, infants under the age of twenty-one years, by E.W.R. Ewing, their guardian ad litem, assigned to defend them in this suit, to a bill in Chancery exhibited in this the Circuit Court for the county of Lee, state of Virginia, by James M. Stewart, et al., vs. Timothy Stewart, et al.; answering your respondents say that they are infants of tender years, and that by reason of their infancy they are incapable of understanding their rights brought in question by the said bill, hence they ask this Honorable court to take especial jurisdiction and care over their interest in said cause involved, and grant to them such protection and care as the equity and law of the case will allowed. And to this end they put themselves wholly under the protection of the court.

And having answered they pray to be hence, &c.

Mary Waddle,

Joseph Stewart,

By

E.W.R. Ewing,

their guard ad litem.

*Suorn to before me this the 9th day of  
November 1894*

*AVB Murray Clerk*



Jas. M. Stewart, et al.,  
vs. Jas. S. A. L.

Levinth Stewart, et al.

---

Filed in open court  
this the 9th day of Nov  
1894 A.B. Munsey  
Clerk

Entered 3. a. s. fee  
\$5.00



James M. Stewart, et als.

Plaintiffs.

vs.

( In Chancery.

Timothy Stewart et als.

Defendants.

This cause came on this day to be heard upon the papers formerly read in the cause, and the report of William M. Stewart, Guardian for Joseph Stewart, filed November 7th, 1900, and was argued by counsel. And it appearing from the said report that the said James M. Stewart has paid to the said William M. Stewart, guardian as aforesaid, the said sum of seventy-five dollars as required by decree <sup>entered</sup> in this cause at the November Term, 1895, and is therefore entitled to a deed for the interest of the said Joseph Stewart in the real estate partitioned to him and his sister in this cause, It is adjudged, ordered and decreed that L.T. Hyatt, who is hereby appointed a special commissioner for the purpose, do make, execute and acknowledge a deed conveying the interest aforesaid to the said James M. Stewart, with covenants of special warranty, and report his action to the court.

And thereupon the said L.T. Hyatt filed his report and with it a deed whereby he conveys to the said James M. Stewart, with covenants of special warranty, the interest of the said Joseph Stewart in the lands partitioned to him under the proceedings of this cause, to neither of which there are any exceptions. On consideration whereof, it is further adjudged, ordered and decreed that said report and deed be and they are each hereby confirmed and approved by the court; that the said James M. Stewart pay to the said L.T. Hyatt the sum of five dollars for making the said deed, for which execution may issue; and that this cause be stricken from the docket.



this cause be stricken from the docket.

making the said deed, for which execution may issue; and that  
Stewart pay to the said I.T. Hyatt the sum of five dollars for  
confirmed and approved by the court; that the said James M.  
decreed that said report and deed be and they are each hereby  
On consideration whereof, it is further adjudged, ordered and  
of this cause, to neither of which there are any exceptions.  
Stewart in the lands partitioned to him under the proceedings  
covenants of special warranty, the interest of the said Joseph  
it a deed wh reby he conveys to the said James M. Stewart, with  
And thereupon the said I.T. Hyatt filed his report and with  
of special warranty, and report his action to the court.

the interest afore said to the said James M. Stewart, with covenants  
the purpose, to make, execute and acknowledge a deed conveying  
I.T. Hyatt, who is hereby appointed a special commissioner for

James M. Stewart et als

VS { Du Chy  
by counsel.

Timothy Stewart et als.

Decree Final.

Entered on Chy  
OB No 6. P. 442

Enter this decree

Has as Sp Cur  
Nov 9th 1900.

Timothy Stewart et als.

vs. ( In Chancery.

James M. Stewart, et als.

Defendants.



To the Honorable H. A. W.  
Steele, Judge of the Circuit  
Court for Lee County, Va.

As required by Decree entered at Nov. Term 1895 of said court in the chancery cause therein pending entitled "James M. Stewart et al. vs. Timothy Stewart et al." I now report that James M. Stewart has paid to me as Guardian for Joseph Stewart the seventy five dollars required with interest. Nov 7<sup>th</sup> 1900.

Respectfully submitted  
William M. Stewart,  
Guardian



James M. Stewart  
et al

vs { In Chy.

Timothy Stewart  
et al.

Filed Nov 4/1900.

A. B. Munsey Clerk



James M. Stewart et als.

Plaintiffs.

vs.

In Chancery.

Timothy Stewart et als.

Defendants.

This cause came on again this day to be heard upon the papers formerly read and the process against Mary C. Waddle directed by a decree of this court entered on the 12th day of Mar 1895 returned duly executed, and the answer of E. W. R. Ewing, guardian ad litem for said Mary C. Waddle, and was argued by counsel. And the court being of opinion from the evidence filed with said petition and the said Joseph Stewart desiring the same to be done, that it is to the best interest of the said Joseph Stewart to confirm the same of his ~~interest~~ undivided interest in the lot or parcel of land laid off and assigned to the heirs of John Stewart, deceased, in the partition of the lands of James H. Stewart, It is therefore adjudged, ordered and decreed that the sale made by William M. Stewart, guardian of said infant, to James M. Stewart, at the price of seventy-five dollars be confirmed. And it is further adjudged, ordered and decreed that the said James M. Stewart do pay to the said William M. Stewart, guardian for Joseph Stewart, the sum of seventy five dollars with interest from the day he received possession of said land, and that the said James M. Stewart pay the costs of said petition, to be taxed by the clerk. And said William M. Stewart, guardian, will report to a future term of this court whether or not and how the said James M. Stewart has complied with the terms of this decree. And this cause is continued.



James M. Stewart  
et al.

103  $\frac{3}{2}$  Decord

Timothy Stewart et al.  
Q. 2, Page 269

Enter this decree  
Nov. 12<sup>th</sup> 1895-

M. F. M.



James M. Stewart et als.

Plaintiffs

Vs  
Timothy Stewart et als.

In Chancery

This cause came on again this day to further heard on the papers formerly read in the cause, ~~the~~ the report of partition made by L.M.Carmical, J.E.Hobbs and E.V.Litton, commissioners appointed for the purpose which report was filed on the 18th day of February 1895, the petition of William M.Stewart, Guardian &c., the ~~an~~ answer of Joseph Stewart, infant, to said petition, and depositions taken on said petition, and was argued by counsel And it appearing that the report of said commissioners has been filed for more than ten days before the first day of this term of the court, and that no exceptions have been filed to said report. On consideration whereof it is adjudged ordered and decreed that said report and the partition therein reported be and they are each hereby confirmed. It is further adjudged ordered and decreed that each of the parties to whom assignments are made take and hold the several lots of land assigned to them by said commissioners as shown in their report, and the plat filed therewith, as follows: to Sarah Ely lot No.1.; to Susan Ely, lot No.2.; to Frances Stewart, lot No.3.; to James M. Stewart, lot No.4.; to William M.Stewart, lot No.5.; to John Stewart's heirs, lot No.6.; to Timothy Stewart, lot No.7., and the clerk of this court is directed to furnish to the clerk of the County Court a certified copy of said report and plat, the decree appointing said commissioners, and this decree for recordation in the proper Deed Book, ~~as~~ as a muniment of title. It is further adjudged ordered and decreed that the several parties interested in said ~~p~~ partition pay each one seventh part of the costs of this suit, except the said Joseph Stewart and Mary C.Waddle, who together shall only pay one seventh part thereof.



And the Court being of opinion that the said Mary C. Waddle should be a party to said petition which is here treated as a bill for the sale of an infant's land, said petitioner is required to amend his petition making her a party thereto, and the clerk of this court to issue a summons for her to answer this petition returnable to first May Rules 1895, and E.W.P. Ewing is appointed guardian ad litem for said Mary C. Waddle, who is an infant under the age of twenty-one years. And this cause is continued.

James M. Stewart et al  
 vs. <sup>no. 3.</sup> ~~the~~ Decree  
 Timothy Stewart et al  
 Confirming Courts.  
 report of partition  
 &c

O.C.  
 Page 169

Enter this decree

M J M  
 March 12<sup>th</sup> 1895 -

$$\frac{82}{7} = \frac{86}{91} + \frac{86}{14}$$

$$= \frac{6}{7} + \frac{6}{7} + \frac{86}{6} + \frac{86}{6} + \frac{1}{1}$$



James M. Stewart et als.

Plaintiffs.

vs.

In Chancery.

Timothy Stewart et als.

Defendants.

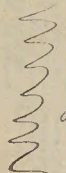
This cause came on ~~xx~~ ~~xx~~ this day to be heard upon the bill of complainants and exhibits filed therewith, the answer of Mary Waddle and Joseph Stewart, infants, by E.W.R. Ewing, their Guardian ad Litem, and was argued by counsel. And it appearing to the Court that process has been duly served upon said adult defendants for more than fifteen days before the first day of this term of the Court, and that they have failed to appear, answer, plead, or demur, the bill is taken for confessed as to them. And it appearing to the court from the exhibits filed with the bill that the decedent, James H. Stewart in his lifetime made advancements to his three sons, Timothy, William *M*, and John Stewart, the sum of two hundred dollars each, and that said decedent left no personal estate out of which his several heirs, to whom o advancements were made, can be equalized, and the Court being of opinion that the complainants are entitled to have partition of the lands owned by the said decedent at the time of his death, partitioned, and that they are likewise entitled to be equalized out of said lands, to~~x~~ the amount advanced to their brothers, the said Timothy, Wm. M., and John Stewart, it is therefore adjudged, ordered and decreed that L. M. Carmical, J. E. Hobbs and Elihu V. Litton, who are appointed commissioners for the purpose, do go upon the land owned by the said James H. Stewart at the time of his death, and ascertain the value thereof. Said commissioners will then partition said lands among his said heirs to wit: James M. Stewart, Susan Ely, Sarah Ely, Frances Stewart, Timothy Stewart, William M. Stewart, Mary Waddle and Joseph Stewart, the two last named of whom are heirs at law of John Stewart, ~~and~~ ~~are~~ deceased, and are entitled to his share, and in making said partition, said commissioners will equalize said heirs by giving to the said James M. Stewart, Susan Ely, Sarah



Ely and Frances Stewart, shares worth two hundred dollars more each than the shares laid off to the said Timothy Stewart, William M. Stewart and the heirs of John Stewart, deceased, to wit Mary Waddle and Joseph Stewart. In making said partition said commissioners will have due regard to quantity, quality, ways, water and other conveniences pertaining to said land. They will report their action to a future term of this court, until which time this cause is continued.



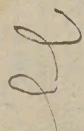
James M. Stewart  
et als.

vs  No 1  
Decree.

Limothe Stewart et als.

Appointing commis-  
sioners to partition  
lands &c

Entered in Chancery  
Order Book Page  
no 90



Enter this decree

W L M

November 14<sup>th</sup> 1894.







dollars more than the shares laid off to  
the Said Timothy Stewart, William M Stewart  
and the heirs of John Stewart deceased  
to wit: Mary Waddle and Joseph Stewart  
and in making said partition said Com-  
missioners will have due regard to quan-  
tity, quality, ways, water and other con-  
veniences pertaining to said land.

They will report their action to a future  
term of this Court until which this Cause  
is continued

A Copy

Lester A B Munsey Clerk

James M Stewart

Copies of Decrees

Timothy Stewart

Executed in Court

Dec the 6. 1894 by

delivering an official

copy of the within.

Decree to J. C. W.

Lawrence

Further executed

by delivering an official

copy of the within

Decree to J. C. W.

of Col. L. H. V. L. L. L.

on the 13 day Dec 1894

this Dec the 15 - 1894

L. M. Wade D. S. for

C. C. Flanagan

J. C. W.

Copies \$2.00



The depositions of James S.

Parsons ~~others~~ taken pursuant to agreement at the office of Duncan & Hyatt in Louisville, <sup>March 1st 1896</sup> to be read as evidence on behalf of ~~the~~ M. Stewart guardian &c. on a petition filed by him in the Chancery cause now pending in the Circuit Court of Lee County in which James M. Stewart and others are Plaintiffs and Timothy Stewart and others are defendants.

Present E. H. Browning guardian ad litem for the Infant Defendants Joseph Stewart and Duncan & Hyatt Attys for the Plaintiff

Ques. 1. Are you acquainted with the parcel of land laid off and assigned by the Commissioners in the Partition of the lands of James H. Stewart deceased to Joseph Stewart, and how would it be so how long have you known it

Ans. I am acquainted with said Land I have known it 20 years or more

Ques. 2. By the report of said Commissioners there appears to be about 18 acres in said parcel of land, What do <sup>you</sup> say would be the fair cash value of said parcel of land?



Ans.

I think 7 or 8 Dollars Per acre  
is its worth

Ques 3

Will you please state whether or  
not in your opinion it will be to the  
interest of the infant Joseph Stewart  
to sell his interest in said lot, provi-  
ded he can get the sum of \$75.00  
therefor clear of all expenses?

Ans.

It would be, I think.

Ques. 4

How much of said 18 acres is cleared  
and how long has it been cleared  
and in this connection state the char-  
acter and condition of all of said  
land?

Ans.

There is about 5 acres of it  
cleared. It has been cleared  
for the most part something  
like 30 years. All the land  
in the bottom, about 14 acres,  
has been cleared ever since  
before the war. There is about  
an acre on the South side of  
the Railroad which is pretty  
steep, which has only been  
cleared about 18 years. This  
cleared land is pretty badly worn  
& needs rest badly. The uncleared



land is both steep & rough & I  
am decidedly of opinion that  
\$75<sup>00</sup> at interest from now  
till the time the said Joseph  
will arrived at the age of  
21 years, will be worth much  
more to him than his interest  
in said land would be.

X 14 by E. W. R. Ewing, J. A. S.  
Have you any interest what  
ever in the sale of said land  
or in the disposition of the  
proceeds thereof?

Ans. None, in the world.

And further this deponent  
saith not. James S. Parsons  
W. P. M. Stuart another witness  
of lawful age after being duly  
sworn, deposes ~~says~~:

- 1 Are you acquainted with the parcel  
of land assigned to Joseph Stewart and  
Mary Wadelle in the partition of  
the lands of James H. Stewart deceased  
if so how long how you knew it  
and how near do you now live to  
it and how long how so lived?

Ans. I do know said land. I live



on an adjoining farm where I was raised. I am now 40 years old & have known said land all my life.

2 Please state what is the fair cash value of said land.

ans - I think six or seven dollars per acre is ~~all~~ it is worth.

3 In your opinion will the interest of Joseph Stewart be promoted by a sale of his part of said land provided he gets \$75<sup>00</sup> therefor, clear of all costs and charges? and if you say that it would please give your reasons therefor?

Ans. I think his interest would be promoted by such a sale. Said land is laid off in a long & narrow strip & at a place where he can get no other land adjoining it. The most of the land is rough & uncleared & for farming purposes is not worth clearing. The timber on it is oak & pine of scrubby kind. There is only



about 5 acres of cleared land to each, the said Joseph & the said Mary Waddle. This has been cleared a long time & is badly worn & not in a state to yield rents of any consequence & in my opinion the money, to wit, \$75<sup>00</sup> would be worth much more to the said Joseph when he arrives at the age of 21 years than the land.

X examined by J. A. L.

Quest. 1. What are your reasons for the above opinion.

Ans. I have all ready answered in the above answer & refer to it.

Quest. 2. Are you in any way interested in the subject matter of this suit?

Ans. No Sir.

And further this witness saith not.

W. P. M. Stewart

Virginia Lee County, to wit,  
I, D. P. Sewell, a Notary Public



for the County aforesaid in  
the State of Virginia, do cer-  
tify that the foregoing dep-  
ositions of James S. Parsons &  
W.P. M. Stewart were duly taken  
subscribed & sworn to before  
me at the time & place  
& for the purpose in the  
Caption mentioned. Given  
under my hand, this 12<sup>th</sup>  
day of March 1895.

D.S. Sewell

Notary Public for

Lee Co. Va.

The deposition of J. E. Hobbs, taken be-  
fore me, ~~A.B. Murray, of Court in ch. for circuit,~~  
~~D. S. Sewell, a Notary Public,~~ and  
for Lee County, Virginia, at the of-  
fice of Orr, Blankenship and Ewing, in  
Jonesville. Va. to be read as evidence in  
behalf of James M. Stewart, petitioner,  
in the Chancery cause of James M. Stew-  
art et als. vs. Timothy Stewart et als.  
to which said petition Jos. Stewart  
is defendant.



Present:- E. W. R. Ewing, guardian ad litem for said infant Defendant and Duncan & Skiff for Petitioner.

Ques. 1. Were you one of the Commissioners who recently partitioned the lands of J. H. Stewart, decd. in said cause and are you acquainted with the land laid off and assigned to Joseph Stewart, infant &c.?

Ans. - I was one of said Cours. and am acquainted with the land.

Ques. 2. What is your occupation?

Ans. I am a farmer.

Ques. 3. What do you consider to be the fair cash value of the land laid off and assigned to Jos. Stewart in said partition of said land?

Ans. \$75.00 Seventy-five dollars.

Cross-examination by E. W. R. Ewing, G. A. R. for said infant.

Ques. 1. Are you in any way related to the parties to this suit, or in the subject matter.

Ans. I am not.

Ques. 2. Please state the rental value of said land per annum.

Ans. - \$3.00 The land is not sepa-



James M. Stewart

vs 3 Depositions

Timothy Stewart

Rec'd from Notary  
Public before whom  
taken & filed this  
1<sup>st</sup> day of March 1895.

A.B. Muncy Clerk

D.C. Sewell,

Notary fee 1 50

Edw. G. A. L. 5-00  
fee



rately fenced.

Ques. 3. ~~Do you~~ consider it to the interest of said Jas. Stewart to have said land sold at the price of \$75-00

Ans. I do.

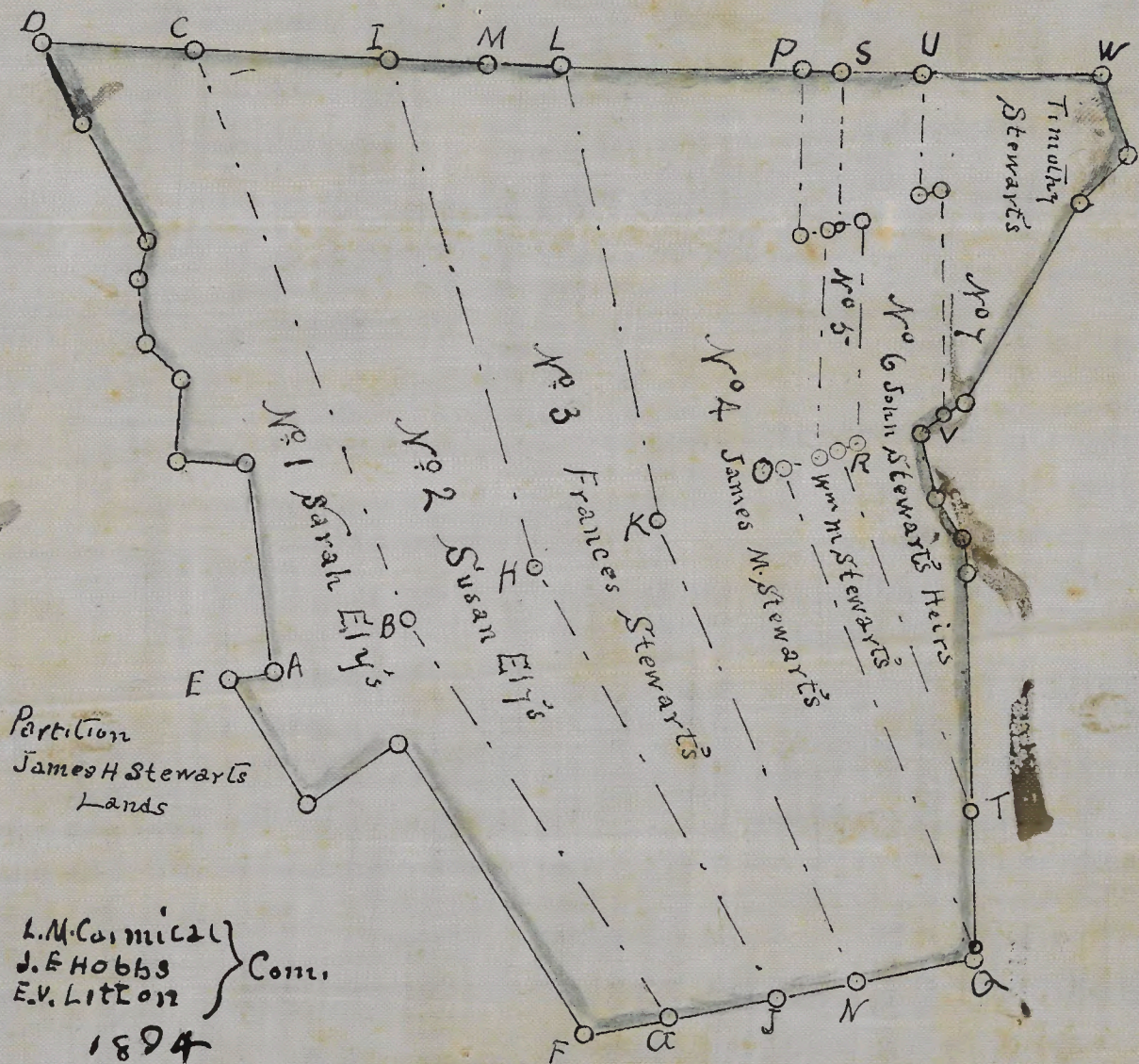
And further this witness saith not.  
J. V. Hobbs

Virginia, Lee County, Virginia.

I, A. B. Munsey, a Commissioner in Chancery, for the Circuit Court for Lee County, Virginia, do certify that the foregoing deposition of J. E. Hobbs, was duly taken <sup>Subscribed & sworn</sup> before me in my county aforesaid on this day for the purposes therein mentioned. Given under my hand on this March 8<sup>th</sup> 1895.

A. B. Munsey Comr.  
in Chancery







Pursuant to an Order of The Circuit Court of Lu Co. Mo.  
(dated the 14<sup>th</sup> of Nov 1894). We The undersigned Com-  
missioners, L. M. Corns, J. F. Hobbs & C. V. Linton have  
partitioned the ~~landed~~ Estate of the late James H  
Stewart (deceased) according to the following Plat and  
Report. We found his lands to consist of one  
tract containing about 208 Acres, including  
right of way to the L. & N. Railroad, the title of which  
we exclude from the various Lots in which it has  
been assigned in this Partition.

We have laid off and assigned to Sarah G. Lot  
No 1 which is bounded as follows:- Beginning at (A)  
a stake in the Public road thence with base line (upon which  
all these Lots are founded) - N 68 E 32 poles (B) to a stake thence  
N 21 W 135 poles to a stake (C) and dogwood marker on the East  
line of the original tract and with the same N 87 W  
35 poles to a beech, Locust and small hickory on the  
West bank of a branch and down said branch as it  
meanders S 23 1/2 E 19 poles S 26 1/2 E 31 poles S 10 1/4 W 7 poles S 8 E 13 poles  
thence leaving said Branch and running with an old fence  
and crossing a high knoll S 40 E 12 poles - Continuing with  
old fence S 1 W 18 poles N 89 E 15 poles S 9 1/2 E 46 poles to a stake  
(A) thence with road S 80 W 12 poles S 36 1/2 E 32 poles crossing  
Railroad to a sugar tree & gumwood by a small branch (See  
Deed dated 1853 to James Stewart) N 58 E 24 1/2 poles to two white  
oaks corner to original Grant of 42 acres to said James  
Stewart and with line of same S 33 1/2 E 76 poles to a white  
oak & stake on the Hobbs line and with said line  
N 77 1/2 E 19 1/2 poles to a stake, with chestnut & chestnut-oak  
markers, thence leaving said line N 37 1/4 W 105 poles to  
stake on base line and with the same S 68 W 32 poles  
to the beginning - Containing 40 Acres more or less.

See Fig A. B. C. A. E. F. & G.



1 We have laid off and assigned to Susan Ely Lot No 2  
2 bounded as follows: Beginning at (B) corner to Lot  
3 No 1 thence with base line N 68 E 29 1/2 poles to (H) a  
4 stake N 15 1/2 W 117 poles to a stake white-oak and surrounded  
5 on the original north line of tract and with the  
6 same N 87 W 43 poles to a stake dogwood and black oak  
7 corner to Lot No 1 and with line of same  
8 S 21 E 135 poles to (B) stake on base line S 34 E 105 poles to a  
9 chestnut and chestnut-oak pointers and stake on the Habbs  
10 line and with the same N 77 1/2 E 24 poles to a dogwood & 31  
11 W 10 poles to base line and with the same to the  
12 beginning. Containing 42 acres more or less  
13 See Figures B. H. I. C. B. & J.

14 We have laid off and assigned to Frances Stewart  
15 Lot No 3 bounded as follows: — Beginning  
16 at (H) corner to Lot No 2 thence with Base line  
17 N 68 E 29 poles to (K) a stake N 11 E W 103 poles to a Laurel  
18 Bush, a service and white oak pointers and on the  
19 north side of a ridge thence N 87 1/2 W 16 1/2 poles to a  
20 white-oak - original corner standing on the north  
21 bank of a branch thence with original line  
22 N 87 W 22 poles to a sourwood white oak & stake corner  
23 to Lot No 2 and with line of same S 15 1/2 E 117 poles  
24 to base line S 31 E 110 poles to a stake and dog-  
25 wood on Habbs line and with the same N 77 E  
26 18 1/2 poles to a stake & small hickory N 25 1/2 W 111  
27 poles to base line & with the same to the  
28 beginning. Containing 38 acres more or less - See  
29 Fig H. K. L. M. I. H. J. N.

30 We have laid off and assigned to James M. Stewart  
31 Lot No 4 bounded as follows - Beginning at (K)  
32 corner to Lot No 3 thence with base line N 68 E 31 poles



1 to (O) a stake thence North 50 poles to a stake at a fence  
2 and with the same about S 68 W 6 poles to a small  
3 hickory thence North 37 poles to a stake on the original  
4 line of S 72 E W 9 poles to a stake white oak and double  
5 corner to Lot N<sup>o</sup> 3 and with line of same S 11 1/2 E  
6 103 poles to stake on base line S 25 1/2 E 111 poles to a  
7 stake and small hickory on the Habbs line and  
8 with the same N 72 1/2 E 27 poles to a double corner  
9 N 7 W 24 poles to a small black oak on the East line  
10 of the original tract thence N 22 1/2 W 114 to a stake  
11 on the base line and with the same S 68 W 31 poles  
12 to the beginning Containing 44 acres More or less  
13 See Figures K. O. P. L. K. N. Q

14 We have laid off and assigned to W<sup>m</sup> M. Stewart  
15 Lot N<sup>o</sup> 5 which is bounded as follows: - Beginning  
16 at (O) corner to Lot N<sup>o</sup> 4 thence with base line  
17 N 68 E 17 poles North 50 poles to a stake at a fence  
18 and with the same about S 68 W 5 poles to a small  
19 black-oak thence North 34 poles to a stake (Said  
20 stake is 28 poles from white oak original corner  
21 and also a corner to Lot N<sup>o</sup> 3) Thence with North  
22 line N 82 E W 9 poles to a stake corner to Lot N<sup>o</sup> 4  
23 and with line of same South 50 poles to stake on  
24 base line and with the same S 68 W 9 poles to  
25 a stake - thence with line of Lot N<sup>o</sup> 4 S 22 1/2 E 114  
26 to a small black oak on the original line and with  
27 the same N 7 W 31 poles to a stake and hickory corner  
28 thence N 20 W 85 poles to stake before described on base line  
29 and with the same S 68 W 17 poles to the beginning  
30 Containing 16 acres More or less See Fig. O. R. S. P. O. Q. T  
31 James M. Stewart has purchased this lot and desires it  
32 to be assigned to himself.



1 We have laid off and assigned to Mary Madelle and  
2 Joseph Stewart the heirs of John Stewart deceased.  
3 Lot No 6 Which is bounded as follows. Begin-  
4 ning at (U) a stake on the North line and at  
5 a distance of 38½ poles from Timothy's Branch and  
6 a corner to Lot No 7 thence with lines of same  
7 South 27 poles to a stake at fence and with the  
8 same about N 68 E 5 poles to a stake South 50  
9 poles to a stake on the original in or near the  
10 branch and thence following the original  
11 lines S 48½ W 7 poles S 20¾ E 15 poles S 28½ E 12 poles S 7  
12 E 8 poles to a stake Preston's Corner (See the France's Join  
13 Dec of 1857) thence S 7 E 52 poles with original line to a  
14 stake Corner to Lot No 5 and with lines of same N 20  
15 85 poles to stake on base line and with the same N 68 E  
16 5 poles thence North 50 poles S 68 W 5 poles N 84th 34 poles  
17 to a stake on the North line and with the same S 87½  
18 E 18 poles to the beginning containing 18 acres  
19 more or less. See Figures U.S.R.T.

20 We have laid off and assigned to Timothy  
21 Stewart Lot No 7 bounded as follows. Begin-  
22 ning at (W) a stake in said Timothy's Branch  
23 thence N 87½ W 38½ poles to a stake, chestnut & small black  
24 oak thence South 27 poles to a stake at fence and with  
25 the same about N 68 E 5 poles to a stake South 50 poles  
26 to original line in or near branch and with said  
27 original line (Being the lines of said France's Decd) up  
28 the branch N 48½ E 5 poles N 29¾ E 53 poles N 46½ E 16  
29 poles N 21 W 18½ poles to the beginning. Con-  
30 taining 12 acres more or less. See Figures W.U.V.

31 In making these assignments it is understood that  
32 Lot No 4 shall have the privilege of spring water for



1 Family use off of Lot N<sup>o</sup> 3. And lot N<sup>o</sup> 5 shall have  
2 the same privilege of the use of Spring on Lot N<sup>o</sup>  
3 6. There being but two Railroad Crossings each  
4 lot shall have free access to them - each lot res-  
5 pectively, Confirning its roads within its own  
6 boundaries as far as practicable.

7 In making this partition we have had  
8 due regard to quantity, quality, woods, crops and  
9 water and the amounts heretofore paid to W<sup>m</sup>  
10 M. Stewart, Timothy Stewart and John Stewart  
11 deceased -

Respect Submitted

Jan 1895

D. M. Carmichael

J. F. Hobbs } Comm<sup>rs</sup>

E. V. Linton }

28 Bill of Cost

29 D. M. Carmichael \$ 20<sup>00</sup>

30 J. F. Hobbs 3 days 6<sup>00</sup>

31 E. V. Linton 3 days 6<sup>00</sup>



no 2  
James M. Stewart  
et al

vs Report of  
Partition

Timothy Stewart

Filed Feb'y the 18<sup>th</sup> 1895-  
A. B. Muncy  
Clerk

Recorded in Deed  
Book 32 Page 164



To the Honorable H.A.W.Skeen, Judge of the Circuit Court  
For Lee County, Virginia:

The undersigned commissioner begs leave to report that pursuant to an order of the said court rendered on the 9th day of November, 1900, he has executed to James M. Stewart a deed conveying to him the undivided one half interest of Joseph Stewart in that certain tract of land assigned to him and his sister jointly in the partition of the real estate of their grandfather, James H. Stewart, deceased, and herewith files said deed for the inspection and approval of the court.

Very respectfully submitted,

R. T. Kyatt

Special Commissioner.



Special Commissioner.

Very respectfully submitted,

James M. Stewart et al.  
vs } Lukey.  
Linnaea Stewart et al.  
Report of Deed.

For Lee County, Virginia:

To the Honorable H.A.A. Exner, Judge of the Circuit Court




D. B 20  
Page 96

This Deed made the 3<sup>rd</sup> day of July  
in the year of our Lord 1880, Between  
James H. Stewart of the County of Lee  
and State of Virginia of the first part,  
and William M. Stewart of the County  
and State aforesaid of the second part,  
Witness that for and in consideration  
of the sum of two hundred dollars in  
hand paid the receipt whereof is  
hereby acknowledged the said party  
of the first part grant bargain  
and sell unto the said party of the sec-  
ond part all of their right title and  
interest in a certain tract or parcel  
of land with the understanding  
that the said William M. Stewart  
is to pay unto his sisters as heirs  
according to valuation of his land  
their equal parts lying and being  
in the said County of Lee on the  
waters of Jones Creek bounded as  
follows: Beginning at a black Oak  
on the top of the fork field ridge  
thence eastwardly to 2 black gums  
and a Chestnut on top of the trace ridge  
thence up said ridge Northwardly to  
a black Oak and Chestnut and  
black gum on said ridge thence  
Northwardly to 2 Chestnuts on  
top of the horse bone ridge thence  
up said ridge Northwardly to 2  
Black Oaks and one black gum

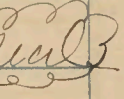


1 On the top of said ridge, thence west-  
2 wardly to 3 boxwoods and one black oak  
3 On top of the fork field Ridge, thence  
4 down said ridge southwesterly  
5 to the Beginning Containing Sixty four  
6 acres & the same more or less, and  
7 the said party of the first part do  
8 Covenant with the party of the second  
9 part, that they will warrant generally  
10 the land hereby conveyed, Witness the  
11 following signature and seal.

12 James H. Stuart   
13 Lee County to wit: -

14 I V. H. Kelly a Justice of the peace  
15 in & for the aforesaid County do certify  
16 that James H. Stuart, whose name is  
17 annexed to the writing above bearing  
18 date July 3rd 1880 acknowledged the  
19 same before me in my County.

20 Given under my hand & seal this  
21 August 7th 1880

22 V. H. Kelly J. P. 

23  
24 Virginia Lee County Court Clerk's Office  
25 No 301882. The foregoing deed bearing  
26 date July 3rd 1882 between James H Stuart  
27 of the first part and William M Stuart  
28 of the second part both of Lee County  
29 Va., was this day admitted to record upon  
30 the certificate of V. H. Kelly late Justice  
31 of the peace for Lee County Va.

32 Teste John B. Gibson Clerk

A copy - Teste: S. V. F. Richmond Clerk



Tom M. Stewart  
From Copy recd

James H. Stewart

\$200

"A"



D. B. 20  
Page 237

This Deed made the 3<sup>rd</sup> day of July  
in the year of our Lord 1880 between  
James H. Stuart of the County of Lee  
and State of Virginia of the first part  
and John Stuart of the County and  
State aforesaid, Witnesseth that for  
and in consideration of the sum of  
two hundred dollars in hand paid  
the receipt whereof is hereby acknowl-  
edged the said party of the first  
part do grant bargain and sell unto the  
said party of the second part all of  
their right title and interest in a  
certain tract or parcel of land lying  
and being in the said County of Lee  
on the waters of James Creek and bounded  
as follows, beginning at 3 dogwoods  
and a black oak on the top of the  
fork field Ridge corner to Wm. M.  
Stewart's land thence easterly with  
a line thereof to a black gum and 2  
black oaks on the top of the horse bone  
ridge thence up said ridge to a white  
oak in a low gap on said ridge,  
thence westerly to a chestnut on top  
of the fork field ridge, thence down said  
ridge southwesterly to the beginning  
Containing sixty-five acres be the same  
more or less and the said party of  
the first part do covenant with  
the party of the second part that they  
will warrant generally the land



1 hereby conveyed with the understanding  
2 that the said John Stewart is to pay  
3 unto his sisters as heirs according to  
4 valuation of his lands their their  
5 equal parts Witness the following sig-  
6 nature and seal, James H. Stewart

7  
8 Lee County to wit:

9 I Vincent V. Kelly a Justice of the  
10 Peace for the County of Lee & State of  
11 Virginia do certify that James H. Stewart  
12 whose name is signed to the writing  
13 above bearing date July 3<sup>rd</sup> 1880 acknowl-  
14 edged the signature to be his own &  
15 its genuine in my presence given  
16 under my hand & seal this August  
17 the 7<sup>th</sup> 1880.

18 V. H. Kelly J. P. Seal

19 Virginia Lee County Court <sup>Clerks</sup> Office the  
20 19<sup>th</sup> day of June 1883. The foregoing deed  
21 bearing date July 3<sup>rd</sup> 1880 between James  
22 H. Stewart of the first part, and John  
23 Stewart of the second part, both  
24 of Lee County Va. was this day admitted  
25 to record upon the certificate of V  
26 V. Kelly late Justice of the Peace for  
27 Lee County Va.

28  
29 Justice John R. Gibson Clerk

30 A copy - Teste: J. W. F. Richmond Clerk  
31  
32



John Stewart  
From Copy Reed

Gas H. Stewart

\$200

"Co."

@ 50



D. B. 13.  
Page 29

This Deed made this 8th day of January  
1857 between France Givn of the County of  
Lee & State of Virginia of the one part,  
and James Stewart of the County & State  
aforesaid of the other part. Witnesseth  
that for and in consideration of the  
sum of Five Hundred and three Dollars  
in hand paid the receipt whereof is hereby  
acknowledged. The said France Givn doth  
grant bargain and sell unto the  
said James Stewart a certain tract or  
parcel of land, lying & being in the said  
County of Lee: Beginning at the intersection  
of the Preston survey, with said Stewart's  
land, on the South side of the wagon  
road near a hollow: Thence with said  
Preston's line N 70 E 42 poles to two dogwoods  
(now down) corner to said Preston's sur-  
vey: S 60 E 28 poles to a stake in a hollow;  
thence down said hollow as it meanders  
32 poles to Tompkins mill branch: & up the  
same N 47 E 10 poles: N 21 E 26 poles: N 31 E 30  
poles crossing two small points of  
land to a swamp, two small dogwoods &  
an ironwood in the bank of said branch:  
N 44 E 14 poles to the middle of said branch:  
& up the same N 22 N 11 1/2 poles to the  
North line of said Preston survey: & with  
the same S 81 N 124 poles to a stake on  
said Stewart's line, & with the same S 26 E  
94 poles to the beginning, Containing 53  
Acres, more or less. And the said France



1 Given Covenant with the said James Stuart,  
2 that he will warrant generally the  
3 land hereby conveyed. Witness the following  
4 signature and seal.

5 France Zion ~~Dea~~  
6 I Stephen S. Crockett a Justice of the Peace  
7 in and for the County of Lee do certify  
8 that France Zion whose name is signed  
9 to the within writing bearing date on  
10 the 8th day of January 1857 personally  
11 appeared before me in my County  
12 and acknowledged the same to be his  
13 act and deed & that he signed the  
14 within writing for the purposes herein  
15 mentioned. Given under my hand this  
16 16th of Feb 1857.

17 S. S. Crockett J. P.  
18 Virginia

19 At a Court of quarter sessions held  
20 for Lee County, at the Court house there  
21 of on the 18th day of June 1857 This  
22 indenture of bargain and sale for  
23 land between France Zion of the one  
24 part and James Stuart of the other part  
25 admitted to record upon the Certificate  
26 of a Justice of the Peace for Lee County.

27 Teste J. L. S. Morrison  
28 S. S.

29 A Copy Teste: S. W. Richmond  
30 Clerk  
31  
32



James Stewart  
Gmly copy Duck

Grace Zion

C 50

D

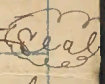


D. B. 12  
Page 168

This Deed made this 28<sup>th</sup> day of February  
in the year one thousand eight hun-  
dred and fifty three Between William  
Stewart of the one part, and James  
Stewart of the other part, both of the County  
of Lee and State of Virginia. Witnesseth  
that in consideration of the sum of  
five hundred dollars, the said William  
Stewart doth grant unto the said James  
Stewart a certain tract or parcel of land  
lying and being in the said County  
of Lee on the big dry branch being part  
of the tract of land deeded by James  
Fugate to William Stewart and bounded  
as follows Beginning at a sugar tree two  
Beeches and two maples in a hollow  
being the Beginning corner of said tract  
of land deeded by the said James Fugate  
to the said William Stewart and with  
lines thereof 24 N 116 poles to two white  
Oaks in a deep hollow at the foot  
of the Poor Valley ridge thence S 87 W  
to a Beech Locust and small Hickory  
on a small branch corner to said  
Williams & James Stewarts land and with  
their dividing lines down with the  
meanders of said branch 70 poles to a  
stake thence leaving said branch S 42  
E 16 poles to a stake on the top of said ridge  
thence down said ridge South 18 poles to a  
stake by a cross fence & with said fence  
N 88 E 16 poles to a stake, S 11 E 46 poles crossing



1 the said big dry branch to a stake in  
2 the waggon road & with the same S 77 W  
3 12 poles to a stake, S 40 E 32 poles to a small  
4 sugar tree and Ironwood by a small branch  
5 corner to said William Stewart's land &  
6 on a line of the original tract & with  
7 the same N 55 E to the beginning by calcu-  
8 lation 75 acres by the same more or less.  
9 And the said William Stewart doth  
10 covenant with the said James Stewart  
11 the said tract or parcel of land with all  
12 its rights & privileges will forever warrant  
13 and defend against claims of all  
14 persons whomsoever In Witness whereof  
15 he hath hereunto set his seal and  
16 subscribed his name

17 William <sup>his</sup> Stewart <sup>mark</sup> 

18 Lee County Clerk's Office the 1st day of  
19 July 1853 this indenture of bargain  
20 and sale for land between William  
21 Stewart of the one part and James  
22 Stewart of the other part, was ack-  
23 nowledged before me and admitted to  
24 record.

25 J. W. S. Morrison lds  
26 A Copy Test: S. F. Richmond Clerk  
27  
28  
29  
30  
31  
32



James Stewart  
Gm'y Copy Recd

Wm Stewart

e 50

2



A. B. 13  
Page 221

This Deed made the 30<sup>th</sup> day of January in  
the year of Our Lord one thousand eight  
hundred and sixty two between John Lucas  
Jr. of Lee County & State of Virginia of the  
first part, and James H. Stewart of same  
County, and State of Virginia of the second  
part: Witnesseth that in consideration  
of the sum of one hundred & forty dollars  
to him in hand paid the said John Lucas  
do grant unto the said James H. Stewart  
a certain tract or parcel of land, lying  
and being in the County of Lee and on  
the big hill, being a tract of land granted  
by the Commonwealth to Isaac Hughes<sup>2d</sup>  
James R. Gilbert, and bounded as follows  
Beginning on a stake on a line of Crystals  
survey and south lines thereof. N 6° W 40 poles  
to a dogwood thence S 70° W 44<sup>poles</sup> to a stake  
on said Stewart's line and with the same  
S 76° E 92 poles to two hickories thence 37 poles to  
a white oak two dogwoods and black oak  
thence N 3° W 86 poles to the Beginning.

And the said John Lucas doth covenant  
that he will warrant generally the land  
herely conveyed: Witness the following  
signatures and seal

Teste: 3  
William Yeager,

John Lucas (Seal)

Lee County to wit:

I, James Parsons a Justice of the Peace,  
in and for this County do certify that  
John Lucas whose name is signed to the



1 Writing above, or hereto annexed bearing  
2 date on the 28 day of February, has acknowl-  
3 edged the same before me in my County  
4 aforesaid. Given under my hand this  
5 28th day of February 1862

6 James Parsons J.P.  
7 Lee County Court Clerk's office the 27th  
8 day of March 1862. This Indenture of bargain  
9 and sale for land between John Lucas Jr  
10 of the one part and James B Stewart of  
11 the other part was admitted to record upon  
12 the Certificate of a Justice of the Peace for  
13 Lee County

14 Teste William S. Saul D.C.  
15 A Copy - Teste J. W. Richmond  
16 Clerk  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32



James H Stewart  
Imag copy of Deed

John Lucas

11  
12  
13

C 50



This deed made the 30<sup>th</sup> day of January in  
the Year of our Lord one thousand eight hundred  
and sixty ~~two~~, between John Lucas jr of Lee  
County & State of Virginia. of the first part &  
James H. Stewart of same County and State  
of Virginia of the second part, Witnesseth  
that in consideration of the sum one hundred  
and forty <sup>also</sup> dollars to him in hand paid. The said  
John Lucas do grant unto the said James H.  
Stewart a certain tract or parcel of Land  
lying & being in the County of Lee, and on  
the big hill, being a tract of Land granted  
by the Commonwealth to Isaac Hughes and  
James R. Gilbert, and bounded as follows,  
Beginning on a Stake on a line of Priestons  
survey & with lines thereof N. 6° W 40 poles to  
a dogwood thence S 70° W 44 poles to a Stake  
on said Stewart's line and with the same S 26°  
E 92 poles to two Hickorys thence E 37 poles  
to a white oak & two dogwoods & black oak  
thence N 5° W 86 poles to a Stake on a line  
of Priestons survey - to the beginning  
and the said John Lucas doth covenant -  
that he will warrant generally the Land  
hereby conveyed, Witness the following signature  
and seal

Test  
William Yeary

John Lucas & seal  
JL

Lee County To Wit

I James Parsons a Justice of the peace  
In and for the county do certify that  
John Lucas whose name are signed to  
the writing a bore or here to annexed  
bearing date on the 28 day of February  
has acknowledged the same before me  
In my County aforesaid given under my  
hand this 28 day of February 1862

James Parsons  
JP



Lee County court clerk's office, the 27<sup>th</sup> day of March 1862 This  
Indenture of bargain and sale for land between John Lucas Jr of  
the one part, and James H. Stewart of the other part, was admitted  
to record upon the certificate of a justice of the peace for Lee County  
Teton

William S. Paul At

" "

Recd the tax and recording fee on the within  
Deed March 1<sup>st</sup> 1862

W. H. Morgan & Co

(245)  
James H. Stewart  
From } Deed  
          }  
John Lucas Jr

Recorded in Deed Book  
No. 15 Pages 221 & 222

Thos.

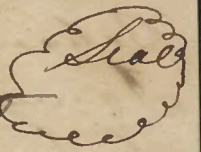


This deed made this 28<sup>th</sup> day of February in the  
Year one thousand Eight hundred and fifty three  
Between William Stewart of the one part and  
James Stewart of the other part both of the County  
of Lee and State of Virginia witnesseth that in  
consideration of the Sum of five hundred Dollars -  
The said William Stewart doth grant unto the  
said James Stewart, a certain tract or parcel of  
land, lying and being in the County of Lee on  
the big dry branch being a part of the tract of  
land decided by James Ingate to William  
Stewart and bounded as follows, Beginning at a  
Sugar tree two beeches & two maples in a hollow, being  
the beginning corner to said tract of land decided by  
the said James Ingate to the said William Stewart  
and with lines thereof N 24 W 116 poles to two white  
oaks in a deep hollow at the foot of the poor valley ridge  
thence S 87 W to a beech locust & a small hickory  
on a small branch corner to said William & James  
Stewart's land & with their dividing lines down  
with the meanders of said branch 70 poles to a stake  
thence leaving said branch S 42 E 16 poles to a stake  
on top of a ridge thence down said ridge South 18  
poles to a stake by a crop fence & with said fence N 88  
E 16 poles to a stake S 11 E 46 poles crossing the said big dry  
branch to a stake in the wagon Road & with the same  
S 77 W 12 poles to a stake S 40 E 32 poles to a small  
Sugar tree & Ironwood by a small branch corner to  
said William Stewart's land & on a line of the original  
tract & with the same N 55 E to the beginning, by  
Calculation 75 acres be the same more or less, and the said William  
Stewart, doth covenant with the said James Stewart the said tract  
or parcel of land with all its rights & privileges, well for ever warrant  
and defend against claims of all persons whomsoever



In witness whereof he hath hereunto set his  
Seal and Subscribed his name

his  
William Stewart  
mark



to

1912 Nov 19

Recorded in Book

William Stewart

From (and)

James Stewart

51

51

William Stewart

deed to

James Stewart

For county clerk's office the 1st day of July 1853 this  
Indenture of bargain and Sale for Land between  
William Stewart of the one part, and James Stewart  
of the other part, was acknowledged before me and  
admitted to record

J. W. S. Morrison Clk



This deed made and entered into on this the 9th day of November, 1900, by and between L.T.Hyatt, special commissioner as hereinafter set forth, party of the first part, and James M. Stewart, party of the second part, both of Lee county, Virginia:

Whereas by a decree of the circuit court for Lee County, Virginia, rendered on the 9th day of November, 1900, the said L.T.Hyatt was appointed a special commissioner in the chancery cause therein pending entitled James M.Stewart et als. vs.Timothy Stewart etals., and as such directed to make conveyance to the said James M.Stewart of the interest of Joseph Stewart, in the lands partitioned under the proceedings of the said cause;

Now in consideration of the premises and in the further consideration of the sum of one dollar cash in hand paid, the receipt whereof is hereby acknowledged, the said L.T.Hyatt, special commissioner as aforesaid, in pursuance of the said decree, does hereby convey unto the said James M.Stewart, with covenants of special warranty, the following real estate, to witThe undivided one half interest of Joseph Stewart in that certain tract or parcel of land assigned to the Heirs of John Stewart in the partition of the real estate of which James H.Stewart died seized and possessed, and in said partition known as lot No.6., and for a more particular description of the said lot reference is hereby made to the report and plat of the commissioners who made the said partition, the same being of record in Lee County Court Clerk's Office in Deed Book No.32, page 164, the whole lot containing 18 acres more or less, and interest hereby conveyed being an undivided one half. To have and to hold the same unto the said James M.Stewart and his heirs for-



ever.

Witness the following signatures and seal.

L.T. Hyatt

( Seal.)

Special Commissioner.

Virginia, Lee County, to wit:

I, B.M. Morgan, clerk of the County Court for the county aforesaid, in the State of Virginia, do certify that L.T. Hyatt, whose name as special commissioner is signed to the foregoing writing, bearing date the 9th day of November, 1900, has acknowledged the same before me in my county aforesaid, Given under my hand this the 9th day of November, 1900.

B.M. Morgan, clerk.

Virginia, Lee County, to wit:

In the Office of the Clerk of the County Court for said County, the \_\_\_\_\_ day of \_\_\_\_\_, this deed was presented and, together with the certificate thereto annexed, admitted to record.

Teste: \_\_\_\_\_, clrk.



---

James M. Stewart  
From { Deed  
L. F. Hyatt, Spe Cour.

---



This article of agreement made and entered into this 2nd day of February 1895, by and between William M. Stewart, Guardian for Joseph Stewart, an infant under the age of twenty-one years, and one of the heirs at law of John Stewart, deceased, party, of the first part, and James M. Stewart, party of the ~~xxx~~ second part, all of the County of Lee and State of Virginia:

Witnesseth, that whereas in the partition of the lands of James H. Stewart, deceased, there was laid off and assigned to the two heirs at law of John Stewart, deceased, a certain parcel of land situated on the Dry Branch in said County, containing about eighteen acres, and the said William after consulting with his ward, who is now in his sixteenth year, has come to the conclusion that the interest of his said ward would be greatly promoted by a sale of his interest in said land, and the said James M. Stewart being the owner of land adjoining said strip so laid off to said heirs, has agreed to purchase the same at the price of Seventy-five dollars, clear of all expenses to said infant, and the said William M. Stewart, Guardian, as aforesaid, being of opinion that said sum of seventy-five dollars is a full and fair price for the interest of said infant in said land, has this day sold the same to the said James M. Stewart at the price of seventy-five dollars, free from and exclusive of any costs that may be incurred, subject however to the approval of the Circuit Court for Lee County, and if the said Court should approve said sale said James M. Stewart hereby binds himself to pay to the said William Stewart, Guardian as aforesaid for said infant, the sum of seventy five dollars with interest thereon from the possession of said land is delivered to him, and to pay such costs as may be incurred in perfecting said sale. Witness the following signatures and seals, the day and year first above written.

Wm M. Stewart (Seal.)

J. M. Stewart (Seal.)



To the Honorable W.T. Miller, Judge of the Circuit Court ~~for~~  
for Lee County, Virginia:

Your petitioner, William M. Stewart, Guardian for Joseph Stewart, who is a son and heir at law of John Stewart, deceased, will respectfully show to your honor, that recently in the chancery cause now pending in the Circuit Court for Lee County of James M. Stewart and others against Timothy Stewart and others, the object of which was to partition the lands owned by James H. Stewart at the time of his death, there was laid off ~~and~~ and assigned to his ward, Joseph Stewart and to his sister Mary C. Waddle, children and heirs at law of John Stewart, deceased, a small lot or parcel of land containing about eighteen acres. Said strip is very narrow and long, is situated between the lands of James M. Stewart on the one side and Timothy Stewart on the other side. It has no house or other building on it, *except that part of an old log stable is on it.* some ten or twelve acres is cleared, and has been in cultivation for a long time, badly worn and will not yield rents much more than sufficient to pay the taxes, let alone to run division fences between it and the parcels adjoining it on the East and West.

Your petitioner is of opinion that the interest of his ~~ward~~ ward will be very greatly enhanced by a sale of his undivided interest in said parcel of land, and so believing, he has contracted the same to James M. Stewart, one of the adjacent owners for the net sum exclusive of costs of seventy-five dollars which he believes is as much or more than said land is worth, and that said sum put to interest will be worth much more to his ward when he arrives at the age of twenty-one years than his interest in said land will then be worth.

Your petitioner will now show your honor that his said ward is in his sixteenth year, that ~~he~~ *he has been* consulted with ~~him~~ in reference to said sale before he entered into said contract, and that he made said contract with the approval and at the earnest request of his said ward.



Your petitioner files herewith as part hereof the contract made by him with the said James M. Stewart for the inspection and approval of your honor.

The object of this petition which is filed for the purpose of saving costs, in the case now pending in your honor's Court of James M. Stewart and others against Timothy Stewart and others, ~~and the object of said petition~~ is to have the undivided interest of the said Joseph Stewart in said lot or parcel of land sold, and the proceeds thereof under the direction of the Court invested for the said Joseph Stewart in such way as will best promote his interest. And to that end he makes the said Joseph Stewart a party defendant to this petition and asks that he be required to answer the same in person and also by Guardian ad Litem, and that upon a hearing the sale made by your petitioner be confirmed if approved by the Court and for full general relief.

James M. Stewart

For petitioner.

Virginia, Lee County, to-wit:

This day William M. Stewart personally appeared before me, A. B. Munsey, Clerk of the Circuit Court for Lee County, and made oath that the facts stated in the foregoing petition are true to the best of his knowledge and belief. Given under my hand this the 2nd day of February 1895.

A. B. Munsey, Clerk.



William M. Stewart

vs.  $\frac{3}{2}$  Petition

Joseph Stewart

---

James M. Stewart

vs.  $\frac{3}{2}$  Chy.

Timothy Stewart

---



This article of agreement made and entered into this 22nd day of January 1896, by and between Samuel F. Waddle, <sup>Receiver</sup> ~~Guardian~~ for Mary C. Waddle, formerly Mary Stewart, an infant under the age of twenty-one years, and one of the heirs at law of John Stewart, deceased, party of the first part, and James M. Stewart, party of the second part, all of Lee County, Virginia:

Witnesseth, that whereas in the partition of the lands of James H. Stewart, deceased, there was laid off and assigned to the two heirs at law of John Stewart, deceased, a certain parcel of land situated on the Dry branch in said county, containing about 18 acres, and the said Waddle after consulting ~~his wife~~ and wife, who is now in her 2<sup>nd</sup> year, has come to the conclusion that the interest of his ~~said~~ <sup>wife</sup> would be greatly promoted by a sale of his interest in said land, and the said James M. Stewart being the owner of land adjoining said strip so laid off to said heirs has agreed to purchase the same at the price of <sup>192</sup> ~~75~~ dollars, ~~clear of all expenses to said infant~~, and the said Samuel F. Waddle, guardian as aforesaid, being of opinion that said sum of ~~seventy~~ <sup>one hundred & two</sup> ~~five~~ dollars is a full and fair price for the interest of said infant in said land, has this day sold the same to the said James M. Stewart at that price, ~~free from and exclusive of any costs that may be incurred~~, subject however to the approval of the Circuit Court for Lee County, and if the said Court should approve said sale, said James M. Stewart hereby binds himself to pay to the said Samuel F. Waddle, <sup>Receiver</sup> ~~guardian~~ as aforesaid for said infant, the sum of <sup>one hundred & two</sup> ~~seventy five~~ dollars with interest thereon from the time possession of said land is delivered to him, and ~~to pay such costs as may be incurred in perfecting said sale.~~

and in the event that said price is not approved by said Court I intend a deed shall be made to the same by the said James M. Stewart when the same is approved by the said Court.



Witness the following signatures and seals, the day and year  
first above written.

Samuel F. Wadell (Seal.)

Receiver for Money  
Wadell (Seal.)

J. M. Stewart (Seal)



To the Honorable W.T. Miller, Judge of the Circuit Court for Lee County, Virginia:

Your petitioner, Samuel F. Waddill, Receiver for Mary C. Waddill, formerly Mary C. Stewart, who is a daughter and heir at law of John Stewart, deceased, will respectfully show to your honor, that recently in the chancery cause now pending in the Circuit Court of Lee County of James M. Stewart and others against Timothy Stewart and others, the object of which was to partition the lands owned by James H. Stewart at the time of his death, there was laid off and assigned to the said Mary C. Waddill and her brother Joseph Stewart, children and heirs at law of ~~Joseph~~ John Stewart, deceased, a small lot or parcel of land containing about eighteen acres. Said strip is very narrow and long, is situated between the lands of James M. Stewart on the one side and Timothy Stewart on the other side. It has no buildings except a small box cabin. Some ten acres is cleared, and has been in cultivation a long time, badly worn and will not yield rents much more than sufficient to pay the taxes, let alone to run division fences between it and the parcels adjoining it on the East and West.

Your petitioner is of opinion that the interest of his wife will be greatly enhanced by a sale of her undivided interest in said parcel of land, and so believing, he has contracted the same to James M. Stewart, one of the adjacent owners for the sum of one hundred and two dollars, which he believes is as much as the land is worth if not more. After paying costs there will be left \$80 or ~~\$5~~ \$85., which he intends to invest in land adjoining the land already owned by petitioner.



Your petitioner will now show your honor that his said wife  
is in her <sup>19th or</sup> 20th year, that she has been consulted in reference  
to said sale before any contract was made, and that she approves  
the sale.

Your petitioner files herewith as part hereof the contract ~~ma~~  
made by him with the said James M. Stewart for the inspection and  
approval of the court.

The object of this petition which is filed for the purpose  
of saving costs, in the cause of James M. Stewart et als vs. Tim  
othy Stewart et als. is to have the undivided interest of the  
said Mary C. Waddle in said lot or parcel of land sold, and the  
proceeds thereof under the direction of the Court invested in  
other lands adjoining those of her husband.

And to this end he makes the said Mary C. Waddill and Honest  
Waddill, her little son, parties defendant to this ~~xxx~~ petition  
and asks that she be required to answer the same in person and ~~a~~  
also by guardian ad litem, and that upon a hearing the sale made  
by your petitioner be confirmed if approved by the court, and for  
full general relief.

Duncan & Hyatt  
For Petitioner.

Virginia, Lee County, to wit:

This day Samuel F. Waddill personally appeared before me, A.  
B. Munsey, Clerk of the Circuit Court for Lee County, and made  
oath that the facts stated in the foregoing petition are true  
to the best of his knowledge and belief. Given under my hand  
this 22nd day of January 1896.

A. B. Munsey, Clerk.



Samuel F. Maddill  
Article of age<sup>ent</sup>  
James M. Stewart



# The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon *Timothy Stewart, William M Stewart*  
*Mary Maddle, and Joseph Stewart* the last two of whom  
are infants

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said

Court on the *3rd* Monday in *October*, 189*4*, to answer a bill in Chancery,

exhibited against *them* in our said court by *James M Stewart*  
*Susan Ely, Sarah Ely and Frances Stewart*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the

*1st* day of *October* 189*4*, and in the 11*9th* year of the

Commonwealth.

*A. B. Munsey* Clerk.



James M Stewart et al

vs.

{ SUPENA  
IN CHANCERY.

Timothy Stewart et al

Duncan & Hyatt p. q.

To 2<sup>nd</sup> October Rules,  
Circuit Court.

Executed October the 7<sup>th</sup>  
1894 by delivering an office  
copy of the within Spas to  
Simon J Stewart and  
Wm Stewart at ~~the~~  
the house of Wm Stewart  
a member of the family  
over the age of 16 years  
Wm Stewart not being  
at his usual place of  
abode this the 7<sup>th</sup> day  
of Oct 1894

M R Vank D,  
for C & J. L. L. L.  
J & E



# The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon

*Joseph Stewart*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said

Court on the *3rd* Monday in *February*, 189*5*, to answer a *petition* ~~bill~~ in Chancery,

exhibited against *him* in our said court by *James M Stewart*

*et als. against Timothy Stewart et als*

And have then these this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the

*2nd* day of *February*, 189*5*, and in the 11*th* year of the

Commonwealth.

*A. B. Munsey* Clerk.

*A Copy Leste A. B. Munsey Clerk*



---

---

vs. { SUPCENA  
IN CHANCERY.

---

---

p. q.

---

To..... Rules,  
Circuit Court.

---

---



# The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon

*Joseph Stewart*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said

Court on the *3rd* Monday in *February*, 189*5*, to answer a *Petition* ~~bill~~ in Chancery,

exhibited against *him* in our said court by *James M. Stewart*

*et as vs Timothy Stewart et as*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the

*2nd* day of *February*, 189*5*, and in the 11 *9th* year of the

Commonwealth.

*A B Munsey* Clerk.



James M. Stewart et al

vs. { SUPCENA  
IN CHANCERY.

Timothy Stewart et al

Duncan Hyatt p. q.

To 2<sup>nd</sup> Feby Rules,  
Circuit Court.

Not Executed  
on account of  
sickness, this  
Feby the 13 - 1893  
L. M. Wade D. C.  
for C. E. Filanary  
S. L. C.



# The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon

*Timothy Stewart, William M Stewart  
Mary Waddle and Joseph Stewart the last two of  
whom are infants*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said

Court on the *3rd* Monday in *October*, 189*4*, to answer a bill in Chancery,

exhibited against *Them* in our said court by *James M Stewart*

*Susan Ely, Sarah Ely, and Frances Stewart*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the

*1st* day of *October* 189*4*, and in the 11*9th* year of the

Commonwealth.

*A. B. Munsey* Clerk.



ex. pt. 4. 84

James M Stewart et al

vs. { SUPENA  
IN CHANCERY.

Timothy Stewart et al b

Duncan & Hyatt p. q.

To 2<sup>nd</sup> October Rules,  
Circuit Court.

Executed Oct 4. 1884  
by delivering an office  
copy of the within  
summons to Timothy  
Stewart this Oct 8. 1884  
C. E. Flannery. S. 2. 6



The Commonwealth of Virginia,

To the Sheriff of the County of Lee--Greeting:

*again*  
WE COMMAND YOU, That you summon *Mary Waddle*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held

for the said Court on the *3* Monday in *October*, 189*8*, to answer a-

*The petition*  
~~bill~~ in Chancery, exhibited against *her mother* in our said court by  
*William M. Stewart, Esq.*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-  
house, the *4<sup>th</sup>* day of *October*, 189*8*, and in the

*120<sup>th</sup>* year of the Commonwealth.

*A B Munsey* Clerk.



Wm M. Stewart Esq

vs.

SUPREMA

{ IN CHANCERY.

Mary Waddle et al

D V H

p. q.

To 2<sup>d</sup> Dec Rules,

Circuit Court.

Executed by delivering  
an office copy of the  
within ~~certified~~ sums  
to Mary Waddle. this  
Oct 18<sup>th</sup> 1898.

J. M. Weston H. S. for  
Wm P. Weston S. L. C



# The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon *Timothy Stewart, William M Stewart*  
*Mary Waddle and Joseph Stewart the last two of*  
*whom are infants*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said

Court on the *3rd* Monday in *October*, 189*4*, to answer a bill in Chancery,

exhibited against *them* in our said court by *James M Stewart*  
*Susan Ely, Sarah Ely and Frances Stewart*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the

*1st* day of *October*, 189*4*, and in the 11*9th* year of the

Commonwealth.

*A Copy Teste*  
*A. B. Munsey Clerk*  
*A. B. Munsey* Clerk.



James M Stewart et al  
vs. { SUPRENA  
IN CHANCERY.

Timothy Stewart et al

Duncan & Syatt p. q.

To 2<sup>nd</sup> October Rules,  
Circuit Court.

Executed Oct 10 - 1894  
by Delivering a  
true office copy  
of the within same  
to Mary Waddell and  
Joseph Stewart.  
This Oct 13 - 1894  
L. M. Wade Deputy for  
C. E. Gilman  
S. L. G.



Plffs Costs  
C 9.67  
S 2.00  
L.A.L. 5.00  
Comrs 32.00  
Atty 15.00  
Estimated 5.00

68.67  
Co. clerk 3.28  
\$72.65-

Mrs Stewart Guard

C 20.7  
S 1.80

\$22.50

James M. Stewart et als.

vs. In Chancery.

Timothy Stewart et als.

Dineen & Hyatt, p. 9.

1894 2nd October rules bill filed  
Sums decreed & Decree nisi  
11 1st November rules taken in  
last Monday in October Decree  
nisi confirmed & Cause set  
for hearing by Plff

November Term 1900

Decree final O.B.

No 6 Page 442